



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

Ken Thiesen

2/12/91

E.5

US EPA RECORDS CENTER REGION 5



498105

February 12, 1991

5CS-TUB-7

REPLY TO ATTENTION OF:

Mr. Robert M. Olian
Sidley & Austin
One First National Plaza
Chicago, Illinois 60603

Mr. Louis M. Rundio, Jr.
McDermott, Will & Emery
111 West Monroe Street
Chicago, Illinois 60603

Dear Rob and Lou,

Enclosed please find the United States' Response to Defendants North American Philips Corp. and The Selmer Co., L. P.'s First Set of Interrogatories and First Request for the Production of Documents. The certification required under Rule 26(g) of the Federal Rules of Civil Procedure will be forwarded to you soon.

Yours truly,

Elizabeth A. Murphy

Elizabeth Murphy, 5CS-TUB-7
Assistant Regional Counsel
United States Environmental
Protection Agency, Region V
230 South Dearborn St.
Chicago, Illinois 60604

E.S.

Civil No. S89-00348

A. The United States objects to each and every interrogatory and request for production of documents to the extent that those requests seek any information protected by any applicable attorney client privilege, work product doctrine, confidential business information or deliberative process privilege. The United States has not identified at this time specific documents that might fall within these categories

because the United States objects to any requests for such identification as unduly burdensome.

B. The United States has responded to the interrogatories and requests for production of documents based upon the information that the United States has at this time. The United States reserves the right to supplement this response if additional information becomes available. Plaintiff has attempted to identify specific information responsive to each request, however plaintiff also directs the defendants to the supplied documents for information that is responsive to the requests pursuant to Rule 33(c) of the Federal Rules of Civil Procedure.

C. The United States has conducted an extensive search of its files for documents responsive to the defendants' requests and has provided these documents unless otherwise noted. Due to the breadth of the requests, however, there may be other documents not yet found in plaintiff's files. Plaintiff is continuing its investigation.

D. In responding to Defendants' First Requests for Production of Documents and First Set of Interrogatories, Plaintiff does not waive and expressly reserves all objections as to relevancy, competency, materiality and admissibility.

E. Plaintiff objects to defendants' definition of "identify" with respect to persons on grounds that it calls for production of protected information, specifically, persons' home addresses and home phone numbers.

INTERROGATORY RESPONSES

Interrogatory No. 1

Please state all facts that support or relate to the United States' allegations that the defendants have released hazardous substances from the Selmer facility into the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint.

Answer:

The United States has not specifically alleged that defendants have released hazardous substances from the Selmer facility into residential water wells in the vicinity of the facility. The United States contends that defendants disposed of and released hazardous substances at and adjacent to the facility, and that such disposal and release caused the United States to incur response costs related, inter alia, to such residential wells and entitles the United States to injunctive relief. Nevertheless, plaintiff provides the following response to interrogatory no. 1.

Disposal of trichloroethylene (TCE), spent TCE used in degreasing, still bottoms from the recovery of such spent TCE, and sludges and liquids containing TCE occurred on or adjacent to property located at 500 Industrial Parkway in Elkhart, Indiana (the Selmer facility) both prior, and subsequent to, defendants' purchase of the property in 1970. Defendants admit to owning and/or operating this property at the time that such disposal took place. Pursuant to Federal Rules of Civil Procedure 33(c),

for additional facts the United States also refers to defendants' responses to the United States Environmental Protection Agency's (U.S. EPA's) information requests provided in Attachment G.

TCE was detected in soil samples taken at the Selmer facility after the alleged discontinuation of the disposal practices described above. TCE was also found in residential wells in the vicinity of the Selmer facility subsequent to the time of disposal. The contaminated areas are described on a large map ("Theisen's map") that is overly burdensome to copy, but will be made available for defendants' inspection upon request.

The groundwater in the vicinity of the Selmer facility flowed toward the contaminated areas. Additional facts regarding groundwater is described in the October 1981 report on "Hydrologic and Chemical Evaluation of the Ground-Water Resources of Northwest Elkhart County, Indiana", completed by Thomas E. Imbrigiotta and Angel Martin, Jr. of the U.S. Geological Survey, in cooperation with the Indiana Department of Natural Resources and the Elkhart Water Works. This document is provided in Attachment P.

Interrogatory No. 2

Please specifically identify and describe in detail the precise location of "all residential water wells in the vicinity of the Selmer facility" described in Paragraph 9 of the Complaint that the United States alleges the Defendants have contaminated,

using maps, charts or other graphic illustration to the extent possible.

Answer:

It is difficult to precisely define the "vicinity of the Selmer facility" described in paragraph 9 of the Complaint. Generally, however, the residential water wells in the vicinity of the Selmer facility are located in two areas. These two areas are referred to in the provided Attachment L as the West End of the East Jackson Plume and the Denver/Rice Street Plume. The boundaries of the West End of East Jackson plume are roughly as follows: Riverview Avenue to the east, St. Joseph's River to the north, Goshen Avenue to the west, and the Conrail railroad tracks to the south. The Denver-Rice area is generally bounded by the Conrail tracks to the north, Goshen Avenue to the west, Toledo Road to the south, and Outer Drive and Riverview Avenue to the East. Sample results corresponding to what is termed the "yellow zone" in the "Regional Ground Water Investigation of Volatile Organic Contamination in Elkhart, Indiana" report by Weston-Sper, which report is provided in Attachment C, can be correlated to the areas described above in order to determine specific addresses of the residential wells to which Paragraph 9 of the Complaint refers. Additionally, Theisen's map mentioned in response no. 1 is responsive to this request.

Interrogatory No. 3

Please identify each and every hazardous substance, including but not limited to volatile organic compounds, that the United States contends or alleges the Defendants released into the environment that have contaminated or are presently contaminating the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint.

Answer:

At this time, trichloroethylene (TCE), spent TCE used in degreasing operations, still bottoms from the recovery of such spent TCE, and sludges and liquids containing TCE are the hazardous substances that plaintiff contends defendants released into the environment at the Selmer facility.

Interrogatory No. 4

For each hazardous substance listed in response to Interrogatory No. 3 above, state the quantity of any such hazardous substance found in the residential water wells in question at any time from 1980 until the present. For each such quantity stated, identify the source of the information, including but not limited to any sampling results.

Answer:

The United States objects to interrogatory no. 4 on grounds that it is overly broad and unduly burdensome in that it seeks information that is not in the United States' possession, but possibly exists elsewhere. Subject to and without waiving

the foregoing objection, plaintiff refers defendants to the sampling data provided in plaintiff's responses to interrogatory no. 2 for the concentrations found in the residential wells at the time of plaintiff's sampling. Additionally, plaintiff refers defendants to Attachments D and E, entitled "Elkhart County Groundwater Protection/Groundwater Contamination Case Synopsis" and "Site Assessment for Elkhart Ground Water Assessment, Elkhart, Indiana", respectively. Both of these documents report on an area broader than that at issue, but are responsive to this interrogatory.

Interrogatory No. 5

For each quantity of each hazardous substance stated in response to Interrogatory no. 4, state the approximate percentage of that hazardous substance that the United States contends was released by the Defendants into the environment, and state the basis for any such contention.

Answer:

The United States objects to interrogatory no. 5 on grounds that it seeks information that is irrelevant under the law. Pursuant to the liability scheme set forth in CERCLA, defendants are liable for 100% of the costs incurred by the United States Environmental Protection Agency (U.S. EPA) in responding to the releases of TCE in the area described in plaintiff's responses to interrogatories nos. 1 and 2. Subject to, and without waiving the foregoing objection, the United

States is not presently aware of any persons other than the three named defendants in this case who released such hazardous substances in that area.

Interrogatory No. 6

For each quantity of hazardous substance identified in response to Interrogatory No. 4, identify every person other than the Defendants whom the government has reason to believe may have released that hazardous substance found in the residential wells in question.

Answer:

C.G. Conn, Ltd. and Macmillan, Inc. are the only other persons whom plaintiff has reason to believe may have released TCE into the environment in the vicinity of the Selmer facility.

Interrogatory No. 7

Please describe in detail the "groundwater contaminant plume" alleged in Paragraph 14 of the Complaint, and state all facts and/or evidence demonstrating, or relating to the United States' contention, that any contaminants or hazardous substances in this alleged plume were released by the Defendants from the Selmer facility. Also, please identify any other persons whom the United States has reason to believe contributed to the alleged plume, and state the basis for any such belief.

Answer:

The boundaries of the groundwater contaminant plume cannot be precisely defined. Theisen's map, referred to in response no. 1, depicts the most recent information known to plaintiff regarding the extent of the plume areas, which areas may not be fixed, and is available for defendants' inspection upon request. Plaintiff's responses to interrogatories nos. 1 and 2 are also responsive. At this time, the only other persons whom the United States has reason to believe contributed to the contaminant plume are identified in response no. 6.

Interrogatory No. 8

Specify the "elevated levels of volatile organic compounds" found in residential water wells in the vicinity of the Selmer facility as alleged in Paragraph 9 of the Complaint. For each such "elevated level", state the level that the United States contends would be acceptable in residential water supplies and the source or basis for each such level.

Answer:

The levels found are demonstrated in the sampling results described in response no. 2 and on Theisen's map, referred to in response no. 1. As to the level that would be "acceptable", plaintiff objects on grounds of vagueness. The United States is unable to ascertain the meaning of the term "acceptable" in the context of interrogatory no. 8 as written. Notwithstanding these objections, the United States refers

defendants to MCLs and MCLGs in 42 U.S.C. § 300f, et seq., which contain standards for drinking water quality.

Interrogatory No. 9

For each document produced in response to Document Requests 2 and 3 of Defendants' First Document Request to Plaintiff United States of America, identify every author of each document (unless the face of the document clearly identifies every individual author or co-author by name, and identifies the entity for which each such author worked when the document was made).

Answer:

All documents produced in response to Document Requests 2 and 3 are identified in as much detail as is possible at this time on the faces of the documents, with the exception of Attachments B and I. Attachment B, results of samples taken by Heritage Remediation/Engineering, Inc. on the Selmer property, was provided to plaintiff by defendants. Attachment I is a copy of notes taken by Kenneth Theisen (identified in response to interrogatory no 13) of a conversation he had with Mr. Mark Fury, attorney for defendants, on June 21, 1988.

Interrogatory No. 10

Describe in detail all past response costs incurred at the site, including:

- a. the amount of each such cost;

b. the manner in which each such cost was calculated or otherwise arrived at;

c. the methods used to review each such cost for consistency with the National Contingency Plan;

d. a brief description of the goods or services received for each expenditure; and

e. the total amount of any administrative, overhead and indirect costs that the United States seeks, if any, and the manner in which such costs were calculated.

Answer:

Pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, plaintiff is providing the following documents in lieu of a narrative response:

10a, 10d. "On-Scene Coordinator's Report, CERCLA Immediate Removal Action, Main Street Well Field, East Jackson Area, Elkhart, Indiana" by Kenneth Theisen, On-Scene Coordinator, Emergency Response Section, dated March 10, 1988. A copy of this report is provided in Attachment K. The attachments to this report are not provided at this time, however, as they are voluminous and, therefore, provision of these is overly burdensome. Upon request from defendants, however, plaintiff will make these attachments available at U.S. EPA Region V's office, located at 230 South Dearborn St. in Chicago, at a mutually agreed upon time.

10a, 10b, 10d. "1900-55" forms which were generated by Kenneth Theisen, On-Scene Coordinator, Emergency Response

Section, on a daily basis during the removal action. These forms were provided to defendants under a Protective Order entered by the Court last Fall.

10a,10b,10d,10e. "Cumulative Cost Summary, Main Street Well Field/Superior Street, IN, Superfund Site #4Y", prepared by the Superfund Financial Assessment System on November 21, 1990, and "Cost Summary, Main Street, Indiana, Removal Action, Superfund Site #5-D3", prepared by the Superfund Financial Assessment System on September 20, 1990. (Attachments S and T)

10a,10b,10d. Memorandum dated March 31, 1988, from Kenneth Theisen, On-Scene Coordinator, to Robert Bowden, Chief, Emergency Response Branch, regarding the "[c]ost breakdown per plume for the removal action at the Elkhart Main Street Well Field, Elkhart, Indiana". (Attachment L)

10c. Responsive to this interrogatory are Attachments H and U. Attachment H documents the "Financial Management Procedures for Documenting Superfund Costs" and Attachment U contains the "Superfund Indirect Cost Manual for Cost Recovery Purposes [for Fiscal Year 1983 through Fiscal Year 1986]" and other responsive updates and memoranda regarding indirect costs.

10b. Section 25-50D of the "Office of Comptroller's Resources Management Directives System, Financial Management of the Superfund Program", issued in July 1988, is responsive to this request. It is, however, overly burdensome to produce, but will be made available for defendants' inspection upon request at 230 South Dearborn St, Chicago, Illinois, at a mutually agreed

upon time. This document describes the financial procedures for recognizing and recording Superfund transactions in the accounting system.

Interrogatory No. 11

Please describe in detail all response costs the United States expects to incur in the future as alleged in Paragraphs 15 and 22 of the Complaint. State the nature of the work the United States intends to perform and the estimated cost of any such work, identify any cost estimates, plans, or other documents relating to any such work, and state when and through which agents or contractors the United States expects to perform any such work.

Answer:

Currently, the United States has not determined the nature and extent of the work it intends to perform in the future, nor the estimated cost of such work. The United States is incurring and expects to continue incurring response costs in bringing and maintaining this action.

Interrogatory No. 12

Please state all facts upon which the determination was based that an imminent and substantial endangerment to the public health or welfare or the environment was posed by the alleged release of hazardous substances from the Selmer facility as alleged in Paragraph 18 of the Complaint. State the date on

which any such determination was made, identify all persons involved in making any such determination, and describe in detail any subsequent changes in any of the facts upon which that determination was based.

Answer:

When the initial determination was made that an imminent and substantial endangerment existed in the area, the source of the contamination was not known. This answer is limited, therefore, by that fact. The information responsive to this request is contained in the following documents:

1. "Action Memorandum" dated June 25, 1985, from Jack Barnette to Valdas V. Adamkus; (Attachment J)
2. "Action Memorandum" dated July 5, 1985, from Jack Barnette to Valdas V. Adamkus; (Attachment J)
3. "Action Memorandum" dated September 26, 1985, from Jack Barnette to Valdas V. Adamkus; (Attachment J)
4. "Action Memorandum" dated December 27, 1985, from Kenneth Theisen to Valdas V. Adamkus; (Attachment J)
5. "Action Memorandum" dated April 9, 1986, from Kenneth Theisen to Valdas V. Adamkus; (Attachment J)
6. "Action Memorandum" dated October 8, 1987 from Kenneth Theisen to Basil G. Constantelos; (Attachment J)
7. "On-Scene Coordinators Report, CERCLA Immediate Removal Action, Main Street Well Field, East Jackson Area, Elkhart, Indiana", by Kenneth Theisen, On-Scene Coordinator, dated March 10, 1988. (Attachment K) Again, the attachments are voluminous

and as such, are overly burdensome to produce, but will be made available upon request at 230 South Dearborn St., Chicago.

8. "Drinking Water Quality Standards", prepared by George M. Crawford, Jr., for Emergency Response and Hazardous Materials Inspection Branch, U.S. Environmental Protection Agency, Region II (Attachment Q)

9. Memorandum from Henry Longest II to John Moore, dated January 6, 1987, regarding a "[proposed policy on removal action levels for drinking water contamination sites". (Attachment R)

10. "Site Assessment for Elkhart Ground Water Assessment, Elkhart, Indiana", dated May 1986, prepared for U.S. Environmental Protection Agency, Region V, prepared by Weston-Sper Technical Assistance Team (Attachment E)

11. See also 40 CFR 300.65.

Interrogatory No. 13

Identify all persons with knowledge of:

- a. any facts or evidence connecting the Defendants with the alleged contamination of the residential water wells in the vicinity of the Selmer facility by the Defendants;
- b. the groundwater contaminant plume alleged in Paragraph 14 of the Complaint;
- c. the response costs incurred by the United States;
- d. any future response costs the United States intends or expects to incur;

e. the alleged imminent and substantial endangerment posed by the alleged release of hazardous substances by the Defendants from 1985 until the present; and

f. the nature and quantity of alleged contaminants in the residential water wells in the vicinity of the Selmer facility;

g. any person other than the Defendants whom the United States has reason to believe may have caused the contamination alleged in the Complaint.

For each person identified, provide a brief description of the facts of which that person has knowledge.

Answer:

- a. Ken Theisen, On-Scene Coordinator
U.S. Environmental Protection Agency, Region V
230 South Dearborn Street
Chicago, Illinois 60604
(312) 886-1959

Mr. Theisen has overall knowledge about the site.

John C. Thibos, address and phone number unknown:
knowledgeable about use and disposal of TCE at the
Selmer facility.

David A. Lefevre, address and phone number unknown:
knowledgeable about use and disposal of TCE at the
Selmer facility.

Harvey R. Weaver, address and phone number unknown:
knowledgeable about use and disposal of TCE at the
Selmer facility.

Other current and former employees of the three
named defendants in this case, not yet identified,
may have knowledge responsive to this request.

b. Ken Theisen, identified above

Jack Barnette, Supervisor, Emergency Response
Branch
U.S. Environmental Protection Agency, Region V
230 South Dearborn Street
Chicago, Illinois 60604
(312) 353-2102

Mr. Barnette was originally the on-scene coordinator for the site and therefore, has knowledge about the early stages of the removal action.

Ms. Sally Matz
c/o Roy F. Weston
Vernon Hills, IL
(708) 918-4115

Ms. Matz is knowledgeable about the sampling done in the area.

Former employees of Roy F. Weston Co.:
(knowledgeable about the sampling done in the area)

Paul Aronian, address and phone number unknown

Dave Pyles, address and phone number unknown

Former employees of Elkhart County Health Department (generally knowledgeable about the extent of the problem in the area)

Max Michael
c/o Indiana Department of Environmental
Management
Indianapolis, IN
(317) 243-5075

Rick Brown
c/o Envirocorp
So. Bend, IN
(219) 287-2282

c. Kenneth Theisen, identified above
Jack Barnette, identified above

Mr. William Cooke
United States Environmental Protection Agency
Washington, D.C.
Mail Code PM-226F
(202) 382-2268

Mr. Cooke is knowledgeable about the manner in which the United States Environmental Protection Agency calculates indirect costs.

Anthony Audia, Chief, Superfund Accounting Section
U.S. Environmental Protection Agency, Region V
230 South Dearborn Street
Chicago, Illinois 60604
(312) 353-1676

Mr. Audia is knowledgeable about policies and procedures followed with respect to calculation, accounting, and reporting of Superfund costs.

Richard Hackley, Superfund Accounting Section
Management Support Team Leader
U.S. Environmental Protection Agency, Region V
230 South Dearborn Street
Chicago, Illinois 60604
(312) 353-8838

Mr. Hackley can explain the procedures used to accumulate costs and the accuracy and validity of those costs.

Valdas V. Adamkus, Regional Administrator
U.S. Environmental Protection Agency, Region V
230 South Dearborn Street
Chicago, Illinois 60604
(312) 353-2000

Mr. Adamkus signed the Action Memoranda authorizing the expenditure of government funds which were incurred at the site, but has no first-hand, personal knowledge regarding such response costs.

- d. Please see answer to interrogatory no. 11.
- e. Jack Barnette, Kenneth Theisen, and Valdas V. Adamkus, identified above. Mr. Adamkus, however, has no first-hand, personal knowledge about the facts which constituted the imminent and substantial endangerment at the site.

- f. See plaintiff's answer to interrogatory No. 13(b).
- g. C.G. Conn, Ltd., Macmillan, Inc.

Interrogatory No. 14

Identify all persons who answered, assisted in answering or were consulted in answering these interrogatories.

Answer:

Elizabeth O. Murphy, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region V
230 South Dearborn Street
Chicago, Illinois 60604
(312) 886-0748
Ms. Murphy answered all interrogatories following consultation with Kenneth Theisen and Richard Hackley.

Kenneth Theisen, identified above
Mr. Theisen was consulted on interrogatories nos. 1,2,3,4,6,7,8,10,11,12,13.

Mr. Richard Hackley, identified above
Mr. Hackley was consulted on interrogatories nos. 10 and 13.

DOCUMENT REQUESTS

1. All documents relating or referring to or containing information concerning the United States' allegation that the Defendants released hazardous substances that caused or resulted in the contamination of the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint.

See Attachments B, C, D, G, I, K, and P.

2. All documents describing, analyzing or relating to the groundwater movement, geology or hydrogeology under or within a one-mile radius of the Selmer facility and/or the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint, including but not limited to any reports, studies, or analyses performed by any employee, agency, contractor or consultant of the United States, and all documents relating thereto.

See Attachments C, E, K, and P.

3. All documents relating or referring to or containing information concerning any contaminants or hazardous substances found in the residential water wells in the vicinity of the Selmer facility described in Paragraph 9 of the Complaint, including the types of contaminants or hazardous substances, the volume of any such contaminants or hazardous substances, and the toxicity, carcinogenic property or other properties of any such contaminants or hazardous substances.

See Attachments B, C, D, E, G, I, J, K, M, O, Q, and R.

4. All documents relating or referring to or containing information concerning the "elevated levels of volatile organic compounds" found in residential water wells in the vicinity of the Selmer facility as alleged in Paragraph 9 of the Complaint.

See Attachments B, C, D, E, J, and K.

5. All documents relating or referring to or containing information concerning releases by any persons other than the Defendants of hazardous substances that have or may have caused the contamination alleged in the Complaint.

The United States is currently unaware of persons other than the named defendants having released hazardous substances that may have caused the contamination alleged in the Complaint. Nevertheless, the United States has furnished the named defendants with responses to information requests from other persons in the area and is presently providing Attachments D, F, G and I.

6. All documents relating or referring to or containing information concerning the imminent and substantial endangerment alleged in Paragraph 18 of the Complaint.

See Attachments C, E, J, K, O, Q, and R. Also see 40 CFR 300.65.

7. All documents relating to, supporting or reflecting any costs the United States has incurred with respect to any contamination alleged in the Complaint, including but not limited to any contracts, invoices, time sheets, canceled checks and cost summaries, that have not previously been provided to the Defendants in response to Freedom of Information Act requests made by the Defendants.

See Attachments H, J, K, L, S, T and U. The "1900-55" forms and cost summaries previously provided to defendants are also responsive to this request. Note that the United States continues to incur costs and therefore, plaintiff will supplement this response periodically.

8. All documents relating to any expected or planned future costs that United States expects to incur as alleged in Paragraphs 15 and 22 of the Complaint, including but not limited to any cost estimates, plans, bids, proposals, contracts or other documents relating to such work, and any proposed schedules or time tables for completing any such work.

No such documents currently exist.

9. All documents relating or referring to or describing the approximate volume released by the Defendants or any other person of any of the contaminants or hazardous substances found in the water wells described in Paragraph 9 of the Complaint.

See Attachment G.

10. All documents relating or referring to any samples taken of groundwater or soil on, under or within a two-mile radius of the Selmer facility, or any samples taken from the residential wells described in Paragraph 9 of the Complaint, including but not limited to the following:

- a. documents describing the location from which each such sample was taken;
- b. any protocols followed for taking or analyzing any such sample;
- c. documents relating to laboratory Quality Analysis/Quality Control procedures followed in analyzing any such sample;
- d. documents relating to the chain of custody of any such samples from the time the samples were taken until the time they were analyzed;
- e. the results of all such analyses performed and any explanations or reports concerning any such results.

10a. See Attachments B, C, D, E, F, J, K and P.

10b. See Attachment C.

10c. See Attachment C.

10d. See Attachment C.

10e. See response to Document Request no. 10a.

11. All documents describing the location, size, type, depth, and other physical characteristics of the "residential water wells in the vicinity of the Selmer facility" described in Paragraph 9 of the Complaint, including but not limited to any drawings, maps or other graphic or illustrative documents relating to these wells.

Plaintiff possesses no such documents.

12. For each expert witness identified in response to Interrogatory No. 14 of the Defendants' First Set of Interrogatories to the United States, provide the following documents:

- a. the current resume or curriculum vitae of each witness;
- b. all documents that the witness reviewed, was given, or relies upon in forming the opinions he or she may give at trial;
- c. all publications authored in whole or in part by the witness; and
- d. all reports, letters, notes or other documents which the witness has prepared in connection with this case.

Those persons identified in response to interrogatory no. 14 are not expert witnesses. The United States is still considering its selection of expert witnesses.

13. All documents identified, referred to in or used in any way in responding to the Defendants' First Set of Interrogatories to the United States.

Interrogatory no. 1: Attachments C, E, G, I, K and P.

Interrogatory no. 2: Attachments A, C, K, and L. Also, Theisen's map, which will be made available for defendants inspection at 230 South Dearborn St., at a mutually agreed upon time, upon request by defendants.

Interrogatory no. 3: Attachments B, C, E, G and I.

Interrogatory no. 4: Attachments C, D and E.

Interrogatory no. 5: Not applicable.

Interrogatory no. 6: Attachments G, I and the documents provided to the United States by defendants regarding the relationship between C.G. Conn, Ltd. and Macmillan, Inc. The latter documents are not reproduced here, as it is presumed that defendants still retain them.

Interrogatory no. 7: Attachments A, B, C, G, I, K and P.

Interrogatory no. 8: Attachments C and E.

Interrogatory no. 9: Attachment B.

Interrogatory no. 10:

a and d: Attachments K, L, S, T and the "1900-55" forms and summaries previously provided to defendants.

b: H, L, S, T, U and the "1900-55" forms discussed above. See response to interrogatory 10b.

c: See response to interrogatory no 10c.

e: Attachments H, S, T and U.

Interrogatory no. 11: Not applicable.

Interrogatory no. 12: Attachments E, J, K, Q and R.

Interrogatory no. 13: Not applicable.


Interrogatory no. 14: Not applicable.

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 1991, a copy of the foregoing was served by U.S. Mail upon the following:

Robert M. Olian
Sidley & Austin
One First National Plaza
Chicago, IL 60603

Louis M. Rundio, Jr.
McDermott, Will & Emery
111 West Monroe Street
Chicago, IL 60603



Helen Smith